

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID A. STEBBINS,  
Plaintiff,  
v.  
KARL POLANO, et al.,  
Defendants.

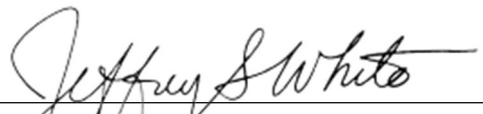
Case No. 21-cv-04184-JSW

**ORDER REGARDING IN FORMA  
PAUPERIS STATUS ON APPEAL AND  
INSTRUCTIONS TO CLERK**

On June 6, 2023, the United States Court of Appeals for the Ninth Circuit issued a referral notice directing this Court to determine whether Plaintiff's in forma pauperis status should continue for his appeal. *See* 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith."); *see also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) ("If at least one issue or claim is found to be non-frivolous, leave to proceed in forma pauperis on appeal must be granted for the case as a whole."). Although the Court dismissed each of Plaintiff's claims, the Court cannot conclude that the appeal is frivolous. Accordingly, the Court shall not revoke Plaintiff's *in forma pauperis* status. The Clerk shall provide a copy of this order to the Court of Appeals.

**IT IS SO ORDERED.**

Dated: June 23, 2023

  
JEFFREY S. WHITE  
United States District Judge